

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JAMES PARSONS
Plaintiff

VS.

LOWE'S COMPANIES, INC.
Defendant

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CIVIL ACTION NO. 6:16-cv-1017

**NOTICE OF REMOVAL OF ACTION UNDER
28 U.S.C. § 1446(a) and 28 U.S.C § 1332 DIVERSITY**

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant, LOWE'S HOME CENTERS, LLC, INCORRECTLY NAMES LOWE'S COMPANIES, INC., (hereinafter referred to as "Defendant") HEREBY REMOVES TO THIS Court the state court action described below:

1. On June 3, 2016, an action was commenced in the 369th Judicial District Court of the State of Texas in and for Anderson County, Texas, entitled JAMES PARSONS vs. LOWE'S COMPANIES, INC., as Cause Number DCCV16-346-369. A copy of Plaintiff's Original Petition is attached hereto as Exhibit "A".
2. Defendant was served with the suit on June 21, 2016. Defendant files this notice of removal within the 30 day time period required by 28 U.S.C. Section 1446(b).
3. Defendant filed an Original Answer on June 30, 2016, a copy of which is attached hereto as Exhibit "B."
4. Thus, this action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332 and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1332 (a) in that it is a civil action between citizens of states other than Texas and citizens or subjects of a foreign state, and the matter in controversy exceeds the sum of \$75,000 exclusive of interest and costs. There is complete diversity between the parties.

5. Plaintiff has stated that he is a resident of the State of Texas.
6. Defendant, Lowe's Home Centers, LLC is and at all times relevant to this action was, a limited liability company. The sole member of Lowe's Home Centers, LLC is Lowe's Companies, Inc. Lowe's Companies, Inc. is, and at all times relevant to this action was, a corporation incorporated in the State of North Carolina with its principal place of business in North Carolina. Its headquarters are located in North Carolina. North Carolina is where the corporation's high-level officers direct, control, and coordinate Lowe's Companies, Inc.'s operations. For purposes of determining diversity of citizenship, a limited liability company is deemed a citizen of the states where its members are citizens. *See Basurto v. Mervyn's, LLC*, 2007 WL 390711 at *1 (N.D. Tex.2007).
7. Defendant is removing this case well within the 30 day period stipulated by the rules.
8. All pleadings, process, orders, and all other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a).
9. Venue is proper in this district under 28 U.S.C. §1441(a) because this district and division embrace the place in which the removed action has been pending.
10. Defendant will promptly file a copy of this notice of removal with the clerk of the state court in which the action is pending.
11. In accordance with 28 U.S.C. §1441(a), this matter is being removed to U.S. District Court for the Eastern District of Texas, Tyler Division because this court is the court for the district and division embracing the place where such action is pending, i.e., Anderson County, Texas.

Respectfully submitted,

PAUL GARCIA & ASSOCIATES

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By: /s/ Krishna Reddy

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify pursuant with the Texas and/or Federal Rules of Civil Procedure, that on this the 15th day of July, 2016 a true and correct copy of the above document was forwarded to all counsel of record addressed as follows:

Ramon E. Gonzalez
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By Email: *regonzalez@dgley.com*

/s/ Krishna Reddy
KRISHNA REDDY